GOVERNMENT OF KERALA
1970

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XV] Trivandrum, Thursday, 10th September 1970 / 19th Bhadra 1892 [No. 268

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 11903-F3/70/Law. *Dated, Trivandrum 10th September 1970/ 19th Bhadra 1892.*

The following Ordinance promulgated by the Governor on the 9th day of September, 1970, is hereby published for general information.

By order of the Governor,
P. SANKUNNI MENON,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

ORDINANCE No. 18 OF 1970

THE KERALA UNIVERSITY (THIRD AMENDMENT) ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twentyfirst Year of the Republic of India.

AN

ORDINANCE

to amend the Kerala University Act, 1969.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India, on the 4th day of August, 1970, under Article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of the State;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, references in Article 213 of the Constitution to the Governor and to the Legislature or Legislative Assembly of the said State shall be construed as references to President and Parliament respectively;

AND WHEREAS by the Order dated the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala, and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation shall, subject to the superintendence, direction and control of the President be exercisable also by the Governor of the said State:

AND WHEREAS the Kerala University (Second Amendment) Ordinance, 1970 (3 of 1970) promulgated by the Governor on the 20th day of April, 1970 will cease to operate from the 14th day of September, 1970 under Article 213 (2) (a) of the Constitution of India;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly before its dissolution on the 26th June, 1970;

AND WHEREAS it is necessary to keep alive the provisions incorporated in the Kerala University Act by the said Ordinance;

AND WHEREAS the Parliament is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS the President has been pleased to agree to the promulgation of the following Ordinance;

NOW, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala University (Third Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. *Amendment of section 10.*—In sub-section (5) of section 10 of the Kerala University Act, 1969 (9 of 1969), for the words "Notwithstanding anything contained in sub-section (3), the Chancellor may allow", the words "Notwithstanding anything contained in sub-section (3) or sub-section (15), the Chancellor or the Government, as the case may be, may allow" shall be substituted.

3. *Repeal and Saving.*—(1) The Kerala University (Second Amendment) Ordinance, 1970 (3 of 1970) is hereby repealed.

(2) Notwithstanding such repeal any order made or action taken under the provisions of the Kerala University Act, 1969 (9 of 1969) as amended by the said Ordinance shall be deemed to have been made or taken under the said Act as amended by this Ordinance as if this Ordinance had commenced on the 20th day of April, 1970.

V. VISWANATHAN,
GOVERNOR.

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1970

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EXTRAORDINARY
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Vol. XV] Trivandrum, Thursday, 10th September 1970 / 19th Bhadra 1892 [No. 267

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 11710/K3/70/Law. *Dated, Trivandrum, 10th September 1970, 19th Bhadra 1892*

The following Ordinance promulgated by the Governor of Kerala on the 9th day of September, 1970, is hereby published for general information.

By order of the Governor,
P. Sankunni Menon,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

ORDINANCE No. 12 OF 1970

THE KERALA DRUGS (UNLAWFUL POSSESSION) ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

AN

ORDINANCE

to provide for the punishment of the offence of unlawful possession of drugs issued by the Health Services Department of the Government of Kerala.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India on the 4th day of August, 1970, under article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of that State;

AND WHEREAS by order made by the President on the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala, and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State which have been assumed by the President by virtue of clause (a) of the Proclamation issued on the 4th day of August, 1970, shall subject to his superintendence, direction and control be exercisable also by the Governor of the said State;

AND WHEREAS the promulgation of Ordinance is a power vested in the Governor under article 213 of the Constitution to be exercisable by him while the Legislature of the State is not in session;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, reference in article 213 of the Constitution, to the Legislature or Legislative Assembly of the State shall be construed as reference to Parliament;

AND WHEREAS the Parliament is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Drugs (Unlawful Possession) Ordinance, 1970.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.

2. *Definition.*—In this Ordinance, the term "drug" shall have the same meaning assigned to it in the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940).

3. *Unlawful possession of drugs.*—If any person is found or is proved to have been in possession of any drug having any seal or overprint affixed on packages or containers thereof indicating that it is issued by the Health Services Department of the Government of Kerala or having such seal or overprint removed, defaced or in any manner tampered with, and which is reasonably suspected of being stolen or unlawfully obtained and such person cannot account satisfactorily how he came into possession thereof, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

4. *Offences under this Ordinance to be cognizable.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), any offence under this Ordinance shall be deemed to be a cognizable offence within the meaning of that Code.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence under this Ordinance.

5. *Repeal and Saving.*—(1) The Kerala Drugs (Unlawful Possession) Ordinance, 1970 (8 of 1970) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or any proceeding instituted under the said Ordinance shall be deemed to have been done or taken or instituted under this Ordinance.

V. VISWANATHAN,
GOVERNOR.

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1970

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 11572/K1/70/Law. *Dated, Trivandrum,* 10*th September* 1970/ 19*th Bhadra* 1892.

The following Ordinance promulgated by the Governor of Kerala on the 9th day of September, 1970, is hereby published for general information.

By order of the Governor,

P. Sankunni Menon,

Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

ORDINANCE No. 11 OF 1970

THE KERALA AGRICULTURAL WORKERS' PAYMENT OF PRESCRIBED WAGES AND SETTLEMENT OF AGRICULTURAL DISPUTES ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

An Ordinance to provide for payment of prescribed wages for agricultural workers in certain areas in the State of Kerala, for the speedy settlement of agricultural disputes, and for matters incidental thereto.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India on the 4th day of August, 1970, under article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of that State;

AND WHEREAS by order made by the President on the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala, and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State which have been assumed by the President by virtue of clause (a) of the Proclamation issued on the 4th day of August, 1970, shall subject to his superintendence, direction and control be exercisable also by the Governor of the said State;

AND WHEREAS the promulgation of Ordinance is a power vested in the Governor under article 213 of the Constitution to be exercisable by him while the Legislature of the State is not in session;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, reference in article 213 of the Constitution, to the Legislature or Legislative Assembly of the State shall be construed as reference to Parliament;

AND WHEREAS the Parliament is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Agricultural Workers' Payment of Prescribed Wages and Settlement of Agricultural Disputes Ordinance, 1970.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint and different dates may be appointed for different areas.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires—

(a) "Agricultural Court" means in relation to any area, the Agricultural Court constituted under this Ordinance for such area;

(b) "agricultural dispute" means any dispute or difference between landowners and landowners or between landowners and agricultural workers or between agricultural workers and agricultural workers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;

(c) "agricultural land" means any land used for the cultivation of paddy, but does not include house-site or land used exclusively for non-agricultural purposes;

(d) "agricultural worker" means a person who, in consideration of wages payable to him, by a landowner, performs manual labour on the agricultural land of such landowner, but does not include a person engaged in the household work of the landowner;

(e) "Conciliation Officer" means in relation to any area, the Conciliation Officer appointed under this Ordinance for such area;

(f) "landowner"—(i) in relation to a land personally cultivated, means the owner of such land and includes the heirs, assignees and legal representatives of such owner or persons deriving rights through him; and

(ii) in relation to a land cultivated by a cultivating tenant, means such cultivating tenant;

Explanation.—Cultivating tenant shall have the same meaning as in clause (8) of section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964);

(g) "prescribed wages" means—(i) the aggregate of the minimum rate of wages fixed or revised under the Minimum Wages Act, 1948 (Central Act 11 of 1948) and ten per cent of such rate; or

(ii) the agreed rate of wages, whichever is higher:

Provided that where the minimum rate of wages fixed or revised under the said Act in respect of harvesting and threshing is in kind, such minimum rate of wages or the agreed rate of wages, whichever is higher shall be deemed to be the prescribed wages;

(h) "prescribed" means prescribed by rules made under this Ordinance.

3. *Appointment of Conciliation Officer.*—The Government or any authority empowered by them in this behalf, may by notification in the Gazette, appoint for any area specified therein, any officer of the Labour Department not below the rank of a District Labour Officer to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by or under this Ordinance.

4. *Constitution of Agricultural Courts.*—The Government may, by notification in the Gazette, constitute for any area specified therein an Agricultural Court which shall be presided over by an officer qualified for appointment as an Industrial Tribunal and appointed by the Government, by notification in the Gazette, for the purpose of performing the functions entrusted to an Agricultural Court by or under this Ordinance.

5. *Wages payable to agricultural workers.*—Every landowner shall pay to any agricultural worker engaged by him the prescribed wages for each day of work done.

6. *Enforcement of payment of prescribed wages.*—(1) If any land owner pays less than the prescribed wages or refuses to pay the prescribed wages to any agricultural worker, the agricultural worker may make an application to the Conciliation Officer for a direction under sub-section (2).

(2) On receipt of such application, the Conciliation Officer shall hear the applicant and the landowner and after such inquiry, if any, which he may consider necessary, direct—

(a) in the case of a claim arising out of the payment of less than the prescribed wages, the payment to the agricultural worker of the amount by which the prescribed wages payable to him exceeds the amount actually paid by the landowner.

(b) in the case of a claim arising out of non-payment of prescribed wages, the payment of the prescribed wages to the agricultural worker.

7. *Wages for harvest.*—(1) The prescribed wages for harvest shall be paid at the threshing floor on which the threshing takes place; and no portion of the produce shall be removed from the threshing floor without payment of the prescribed wages to the agricultural worker concerned.

(2) If as a result of a direction under sub-section (2) of section 6, any amount of the prescribed wages becomes payable to an agricultural worker, the Conciliation Officer, or any person authorised by him not below the rank of a Deputy Labour Officer (hereinafter referred to as the person authorised) may,—

(i) in the case of harvest,—

(a) recover in kind such amount of the prescribed wages at the threshing floor from out of the harvested paddy, and

(b) if the harvested paddy or any portion thereof has been removed from the threshing floor in contravention of the provisions of sub-section (1) the Conciliation Officer or

the person authorised shall recover in kind the amount of prescribed wages from the landowner concerned and if such recovery is not possible, the Conciliation Officer or the person authorised shall recover the amount of cash value of such prescribed wages from the landowner concerned as if such amount were arrears of land revenue, and pay the amount so recovered to the agricultural worker concerned.

(ii) In the case of any work other than harvest, the Conciliation Officer or the person authorised may recover in kind or in cash the amount of such prescribed wages from the landowner concerned as if such amount were an arrear of land revenue and pay it to the agricultural worker concerned.

(3) The Conciliation Officer, or the person authorised shall have all such powers as are necessary to effect the payment of the prescribed wages to the agricultural worker including the power to enter upon any land on which or into any building in which the harvested paddy is kept.

8. *Settlement of agricultural disputes.*—(1) Where an agricultural dispute exists or is apprehended the Conciliation Officer may hold conciliation proceedings and shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the same and all matters affecting the merits and the right settlement thereof and may do all such things, as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(2) If a settlement of the dispute on any of the matters in dispute is arrived at in the course of conciliation proceedings, the Conciliation Officer shall send a report thereof to the Government together with a memorandum of settlement signed by the parties to the dispute.

(3) If no such settlement is arrived at, the Conciliation Officer shall, as soon as practicable after the close of the investigation, send to the Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances and the reasons on account of which in his opinion a settlement could not be arrived at.

(4) If on a consideration of the report referred to in sub-section (3) the Government is satisfied that there is a case for reference to an Agricultural Court it may by order in writing refer the agricultural dispute to the said court for adjudication. Where the Government does not make such a reference it shall record and communicate to the parties concerned its reasons therefor.

(5) Where an agricultural dispute has been referred to an Agricultural Court under sub-section (4) it shall hold its proceedings expeditiously and shall, as soon as it is practicable on the conclusion thereof, submit its award to the Government.

(6) Every report of the Conciliation Officer together with the memorandum of settlement referred to in sub-section (2) and every award submitted to the Government under sub-section (5) shall, within a period of thirty days from the date of its receipt by the Government, be published by the Government, by notification in the Gazette.

(7) Subject to the provisions of section 10 every memorandum of settlement referred to under sub-section (2) and every award of an Agricultural Court shall be final and shall be given effect to by the parties to the agricultural dispute.

9. *Appeal.*—(1) Against any order passed by a Conciliation Officer under section 6, an appeal shall lie to the Agricultural Court within such time as may be prescribed and the decision of the Agricultural Court on such appeal shall, subject to the provisions of section 10, be final.

(2) The Agricultural Court shall have no power to stay the operation of the order of the Conciliation Officer pending the disposal of the appeal.

10. *Revision by High Court.*—(1) Any person aggrieved by—

(i) any award of the Agricultural Court under section 8 or

(ii) any decision of the Agricultural Court under section 9, may within such time as may be prescribed, prefer a petition to the High Court against the award or decision, as the case may be, on the ground that the Agricultural Court has either decided erroneously, or failed to decide, any question of law.

(2) The High Court may, after giving an opportunity to the parties to be heard, pass such orders as it deems fit and the award or the decision of the Agricultural Court, shall, wherever necessary be modified accordingly.

(3) The High Court may, for the purpose of satisfying itself as to the correctness, legality or propriety of any award or decision of the Agricultural Court under this Ordinance, call for the records and pass such order with respect thereto as it thinks fit.

11. *Decision in appeal or revision in respect of prescribed wages to be given effect to.*—(1) Where the amount of prescribed wages paid under sub-section (2) of section 7 to any agricultural worker is less than the amount of prescribed wages payable as a result of the decision on appeal or revision, the balance shall be recovered from the landowner concerned as if it were an arrear of land revenue and paid to the agricultural worker concerned.

(2) The Conciliation Officer, or the person authorised, shall have all such powers as are necessary to effect the payment of the prescribed wages.

(3) Where the amount of prescribed wages paid under sub-section (2) of section 7 to any agricultural worker is in excess of the amount of prescribed wages payable as a result of the decision in appeal or revision such excess shall be recovered from the agricultural worker concerned as if it were an arrear of land revenue and paid to the landowner concerned.

12. *Bar of jurisdiction of Civil Courts.*—Save as otherwise provided in this Ordinance no Civil Court shall entertain any suit or other proceedings to set aside or modify any order or decision passed by any authority or officer or in respect of any other matter falling within its or his scope.

13. *Power to take evidence on oath.*—Any authority or officer exercising powers under this Ordinance shall have the same powers as are vested in a Court, under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) when trying a suit, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses; and any proceeding before the authority or officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code (Central Act 45 of 1860).

14. *Recovery of money due from a landowner under a settlement or award.*—Where any money is due to an agricultural worker from a landowner under a settlement under sub-section (2) of section 8, or an award under sub-section (5) of section 8, the agricultural worker himself or any other person authorised by him in writing in this behalf or in the case of the death of the agricultural worker his assignee or heirs may, without prejudice to any other mode of recovery make an application to the Government for the recovery of the money due to him and if the Government is satisfied that any money is so due it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue:

Provided that every such application shall be made within one year from the date on which the money became due to the agricultural worker from the landowner:

Provided further that any such application may be entertained after the expiry of the said period of one year if the Government is satisfied that the applicant had sufficient cause for not making the application within the said period.

15. *Ordinance to override contract and other laws.*—The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in any existing law, custom, usage, agreement or decree or order of a court.

16. *Penalty for breach of settlement or award.*—Any person who commits a breach of any term of any settlement or award which has become final under sub-section (7) of section 8, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both and where the breach is a continuing one with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first breach and the court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realised from him shall be paid by way of compensation to any person who in its opinion has been injured by such breach.

17. *Cognizance of offences.*—(1) No court shall take cognizance of any offence punishable under this Ordinance or of the abetment of any such offence, save on complaint made by or under the authority of the Government.

(2) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Ordinance.

18. *Power to make rules.*—(1) The Government may make rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(a) all matters expressly required or allowed by this Ordinance to be prescribed;

(b) the procedure to be followed by the Conciliation Officer and the Agricultural Court;

(c) the fees to be paid for applications and appeals under this Ordinance;

(d) the powers of the Conciliation Officer necessary for effective enforcement of the provisions of this Ordinance;

(e) the manner of estimating the cash value of the prescribed wages in kind.

(3) All rules made under this Ordinance shall be published in the Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. *Repeal and saving.*—(1) The Kerala Agricultural Workers' Payment of Prescribed Wages and Settlement of Agricultural Disputes Ordinance, 1970 (5 of 1970) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

V. VISWANATHAN,
GOVERNOR.

GOVERNMENT OF KERALA
1970

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 12133-H2|70|Law.

Dated, Trivandrum, 10*th September*, 1970|
19*th Bhadra*, 1892.

The following Ordinance promulgated by the Governor on the 9th day of September, 1970 is hereby published for general information.

By order of the Governor,
P. SANKUNNI MENON,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1970.

ORDINANCE No. 14 OF 1970

THE KERALA GENERAL SALES TAX (SECOND AMENDMENT) ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala General Sales Tax Act, 1963.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India on the 4th day of August, 1970, under article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of that State;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, references in article 213 of the Constitution to the Governor and to the Legislature or Legislative Assembly of the said State shall be construed as references to the President and to Parliament respectively;

AND WHEREAS by the Order dated the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution, the Kerala General Sales Tax (Amendment) Ordinance, 1970 (9 of 1970), promulgated by the Governor of Kerala on the 14th day of May, 1970, will cease to operate on the 14th day of September, 1970;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly before its dissolution on the 26th day of June, 1970;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS Parliament is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, read with the said Order dated the 4th day of August, 1970, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala General Sales Tax (Second Amendment) Ordinance, 1970.

(2) This section and section 6 shall come into force at once and the remaining provisions of this Ordinance shall be deemed to have come into force on the 1st day of April, 1970.

2. *Amendment of section 5.*—In section 5 of the Kerala General Sales Tax Act, 1963 (15 of 1963) (hereinafter referred to as the principal Act), in the proviso to sub-section (2), for the words, brackets and figures "sub-section (1) or sub-section (2)", the words, brackets, figures and letter "sub-section (1) or sub-section (2) of this section or under section 5A" shall be substituted.

3. *Insertion of new section 5A.*—After section 5 of the principal Act, the following section shall be inserted, namely:—

"5A. *Levy of purchase tax.*—(1) Every dealer who in the course of his business purchases from a registered dealer or from any other person any goods, the sale or purchase of which is liable to tax under this Act, in circumstances in which no tax is payable under section 5, and either—

(a) consumes such goods in the manufacture of other goods for sale or otherwise; or

(b) disposes of such goods in any manner other than by way of sale in the State; or

(c) despatches them to any place outside the State except as a direct result of sale or purchase in the course of inter-State trade or commerce,

shall, whatever be the quantum of the turnover relating to such purchase for a year, pay tax on the taxable turnover relating to such purchase for that year at the rates mentioned in section 5.

(2) Notwithstanding anything contained in sub-section (1), a dealer (other than a casual trader or agent of a non-resident dealer) purchasing goods, the sale of which is liable to tax under section 5, shall not be liable to pay tax under sub-section (1) if his total turnover for a year is less than ten thousand rupees:

Provided that where the total turnover of such dealer for the year in respect of the goods mentioned in clause (i) of sub-section (1) of section 5 is not less than two thousand five hundred rupees, he shall be liable to pay tax on the taxable turnover in respect of those goods.

(3) Notwithstanding anything contained in the foregoing provisions of this section, a dealer referred to in sub-section (1), who purchases goods, the sale of which is liable to tax under clause (ii) of sub-section (1) of section 5, and whose total turnover for a year is not less than ten thousand rupees but not more than twenty-five thousand rupees may, at his option, instead of paying the tax in accordance with the provisions of sub-section (1), pay tax at the rates mentioned in clause (i) of sub-section (1) of section 7 in accordance with the provisions of that section.".

4. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (3), after clause (ii), the following clause shall be inserted, namely:—

"(ii-a) every dealer liable to pay tax under section 5A;".

5. *Amendment of the First Schedule.*—In the First Schedule to the principal Act,—

(a) for the figure "7" in column (4) against Serial Numbers 4 and 6, the figures "12" shall be substituted;

(b) for the figures "12" in column (4) against Serial Number 8, the figures "13" shall be substituted;

(c) for the figures "12" in column (4) against Serial Numbers 9, 10, 13, 14, 15, 16, 18, 19 and 20, the figures "15" shall be substituted;

(d) for Serial Number 12 and the entries relating thereto, the following shall be substituted, namely:—

"12.	Wireless reception instruments and apparatus, radios and transistors (excluding radios and transistors costing not more than Rs. 150), radio-gramaphones, electrical valves, accumulators, amplifiers and loud-speakers and spare parts and accessories thereof	do.	15
12A.	Radios and transistors costing not more than Rs. 150 and spare parts and accessories thereof	do.	12";

(e) for the figure "7" in column (4) against Serial Number 25B, the figures "15" shall be substituted.

6. *Repeal and saving.*—(1) The Kerala General Sales Tax (Amendment) Ordinance, 1970 (9 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

V. VISWANATHAN,
GOVERNOR.

GOVERNMENT OF KERALA
1970

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XV] Trivandrum, Thursday, 10th September 1970 / 19th Bhadra 1892 [No. 270

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 12135-H2|70|Law. *Dated, Trivandrum, 10th September*, 1970| *19th Bhadra*, 1892.

The following Ordinance promulgated by the Governor on the 9th day of September, 1970 is hereby published for general information.

By order of the Governor,
P. SANKUNNI MENON,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

ORDINANCE No. 15 OF 1970

THE AGRICULTURAL INCOME-TAX (SECOND AMENDMENT) ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

AN

ORDINANCE

further to amend the Agricultural Income-tax Act, 1950.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India on the 4th day of August, 1970, under article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of that State;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, references in article 213 of the Constitution to the Governor and to the Legislature or Legislative Assembly of the said State shall be construed as references to the President and to Parliament respectively;

AND WHEREAS by the Order dated the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution, the Agricultural Income-tax (Amendment) Ordinance, 1970 (6 of 1970), promulgated by the Governor of Kerala on the 26th day of April, 1970, will cease to operate on the 14th day of September, 1970;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly before its dissolution on the 26th day of June, 1970;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS Parliament is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

33/2809

NOW, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, read with the said Order dated the 4th day of August, 1970, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Agricultural Income-tax (Second Amendment) Ordinance, 1970.

(2) This section and sections 7 and 8 shall come into force at once, section 3 shall be deemed to have come into force on the 1st day of April, 1958, and the remaining provisions of this Ordinance shall be deemed to have come into force on the 1st day of April, 1970.

2. *Amendment of section 2.*—In section 2 of the Agricultural Income-tax Act, 1950 (XXII of 1950) (hereinafter referred to as the principal Act),—

(i) for clause (h), the following clauses shall be substituted, namely:—

"(h) "company" means a domestic company or a foreign company;

(hh) "domestic company" means a company formed and registered under the Companies Act, 1956 (Central Act 1 of 1956) and includes a company formed and registered under any law relating to companies formerly in force in any part of India:

Provided that the registered office of the company is in India;";

(ii) clause (kk) shall be re-lettered as clause (kkk) and, before clause (kkk) as so re-lettered, the following clause shall be inserted, namely:—

"(kk) "foreign company" means a foreign company within the meaning of section 591 of the Companies Act, 1956 (Central Act 1 of 1956) and includes any foreign association whether incorporated or not which the Government may, by general or special order, declare to be a foreign company for the purposes of this Act;".

3. *Amendment of section 35.*—In section 35 of the principal Act, in sub-section (2), in the second proviso, the words "or an order or decision of any court." shall be inserted at the end.

4. *Amendment of section 56.*—In section 56 of the principal Act,—

(i) in the opening paragraph, the word "company," shall be omitted;

(ii) in the second proviso, the words "not being a company" shall be omitted;

(iii) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the removal of doubts, it is hereby declared that no super-tax shall be chargeable in respect of the total agricultural income of a company.".

5. *Amendment of section 57.*—In section 57 of the principal Act, the word "company," shall be omitted.

6. *Amendment of Schedule.*—In the Schedule to the principal Act,—

(i) in Part I,—

(a) below the brackets and words "*(Rates of Agricultural Income-tax)*", the following shall be inserted, namely:—

"(1) In the case of a person other than a company,—";

(b) for the second proviso, the following shall be substituted, namely:—

"Provided further that the agricultural income-tax payable shall in no case exceed one-half of the amount by which the total agricultural income exceeds three thousand and six hundred rupees or six thousand rupees, as the case may be.

(2) In the case of a domestic company,—

A.	Where the total agricultural income does not exceed Rs. 25,000	45 per cent of the total agricultural income.
B.	Where the total agricultural income exceeds Rs. 25,000, but does not exceed Rs. 10 lakhs	55 per cent of the total agricultural income.
C.	Where the total agricultural income exceeds Rs. 10 lakhs	65 per cent of the total agricultural income:

Provided that the agricultural income-tax payable by a domestic company, the total agricultural income of which exceeds Rs. 25,000, shall not exceed the aggregate of—

(a) the agricultural income-tax which would have been payable by the company if its total agricultural income had been Rs. 25,000; and

(b) 80 per cent of the amount by which the total agricultural income exceeds Rs. 25,000.

(3) In the case of a foreign company, 75 per cent of the total agricultural income.";

(ii) in Part II,—

(a) in paragraph A, the words ", not being a case to which paragraph B applies" shall be omitted;

(b) paragraph B shall be omitted.

7. *Validation.*—(1) Notwithstanding any judgment, decree or order of any court, tribunal or other authority, any assessment, reassessment or collection of agricultural income-tax made or purporting to have been made under section 35 of the principal Act before the 27th day of April, 1970, shall be deemed to be as valid and effective as if such assessment, reassessment or collection had been made under section 35 of the principal Act as amended by this Ordinance, and accordingly—

(a) all acts, proceedings or things done or taken by any officer or authority in connection with the assessment, reassessment or collection of such tax shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(b) no suit or other proceeding shall be maintained or continued in any court, tribunal or other authority for the refund of any such tax so collected;

(c) no court shall enforce any decree or order directing the refund of any such tax so collected; and

(d) any such tax assessed or reassessed under section 35 of the principal Act before the 27th day of April, 1970, but not collected before that date, may be recovered in the manner provided under the principal Act as amended by this Ordinance and the rules made thereunder:

Provided that nothing contained in this section shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him before the 27th day of April, 1970, if such act or omission would not be an offence under the principal Act but for the provisions of this Ordinance.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing any person from claiming refund of any tax paid by him in excess of the amount due from him under the principal Act as amended by this Ordinance.

8. *Repeal and saving.*—(1) The Agricultural Income-tax (Amendment) Ordinance, 1970 (6 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Ordinance.

V. VISWANATHAN,
GOVERNOR.

(C)

GOVERNMENT OF KERALA
1970

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 12134-H2|70|Law.

Dated, Trivandrum, 10th September, 1970;
19th Bhadra, 1892.

The following Ordinance promulgated by the Governor on the 9th day of September, 1970 is hereby published for general information.

By order of the Governor,
P. SANKUNNI MENON,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

ORDINANCE No. 16 OF 1970

THE KERALA SURCHARGE ON TAXES (SECOND AMENDMENT) ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

AN

ORDINANCE

further to amend the Kerala Surcharge on Taxes Act, 1957.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India on the 4th day of August, 1970, under article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of that State;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, references in article 213 of the Constitution to the Governor and to the Legislature or Legislative Assembly of the said State shall be construed as references to the President and to Parliament respectively;

AND WHEREAS by the Order dated the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS under sub-clause (a) of clause (2) of article 213 of the Constitution, the Kerala Surcharge on Taxes (Amendment) Ordinance, 1970 (7 of 1970), promulgated by the Governor of Kerala on the 26th day of April, 1970, will cease to operate on the 14th day of September, 1970;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly before its dissolution on the 26th day of June, 1970;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS Parliament is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, read with the said Order dated the 4th day of August, 1970, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Surcharge on Taxes (Second Amendment) Ordinance, 1970.

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1970 and the remaining provisions of this Ordinance shall come into force at once.

2. *Amendment of Section* 2.—In section 2 of the Kerala Surcharge on Taxes Act, 1957 (11 of 1957),—

(a) after the words "any person", the brackets and words "(other than a company)" shall be inserted;

(b) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation*.—In this section, "company" shall have the same meaning as in the Agricultural Income-tax Act, 1950.".

3. *Repeal and saving.*—(1) The Kerala Surcharge on Taxes (Amendment) Ordinance, 1970 (7 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Kerala Surcharge on Taxes Act, 1957 (11 of 1957), as amended by the said Ordinance shall be deemed to have been done or taken under the said Act as amended by this Ordinance.

V. VISWANATHAN,
GOVERNOR.

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1970

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 11844|E2|70|Law.

Dated, Trivandrum, 10th September, 1970|
19*th Bhadra*, 1892.

The following Ordinance promulgated by the Governor on the 9th day of September, 1970 is hereby published for general information.

By order of the Governor,
P. SANKUNNI MENON,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1970.

ORDINANCE No. 17 OF 1970

THE KERALA PUBLIC SERVICE COMMISSION (ADDITIONAL FUNCTIONS AS RESPECTS CERTAIN CORPORATIONS AND COMPANIES) ORDINANCE, 1970

Promulgated by the Governor of Kerala in the Twenty-first Year of the Republic of India.

AN

ORDINANCE

to provide for the exercise of certain additional functions by the Kerala Public Service Commission as respects the services of certain Corporations and Companies.

Preamble.—WHEREAS under clause (a) of the Proclamation issued by the President of India on the 4th day of August, 1970, under Article 356 of the Constitution, the President has assumed to himself all functions of the Government of the State of Kerala and all powers vested in or exercisable by the Governor of that State;

AND WHEREAS under sub-clause (iii) of clause (c) of the said Proclamation, references in Article 213 of the Constitution to the Governor and to the Legislature or Legislative Assembly of the said State shall be construed as references to the President and to Parliament respectively;

AND WHEREAS by the Order dated the 4th day of August, 1970, the President has directed that all the functions of the Government of the State of Kerala and all the powers vested in or exercisable by the Governor of that State under the Constitution or under any law in force in that State, which have been assumed by the President by virtue of clause (a) of the said Proclamation, shall, subject to the superintendence, direction and control of the President, be exercisable also by the Governor of the said State;

AND WHEREAS under sub-clause (a) of clause (2) of Article 213 of the Constitution, the Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Ordinance, 1970 (4 of 1970), promulgated by the Governor of Kerala on the 24th day of April, 1970, will cease to operate on the 14th day of September, 1970;

AND WHEREAS a Bill to replace the said Ordinance by an Act of the Legislature could not be introduced in and passed by the Legislative Assembly before its dissolution on the 26th day of June, 1970;

AND WHEREAS difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS Parliament is not in session, and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, read with the said order dated the 4th day of August, 1970, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Ordinance, 1970.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) "Corporation" means the Kerala State Financial Corporation established under section 3 of the State Financial Corporations Act, 1951 (Central Act 63 of 1951) or the Kerala State Warehousing Corporation established under section 18 of the Warehousing Corporations Act. 1962 (Central Act 58 of 1962);

(b) "Government Company" means a Company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), in which not less than fifty-one per cent of the paid-up share capital is held by the Government of Kerala;

(c) "Public Service Commission" means the Kerala Public Service Commission.

3. *Functions of the Public Service Commission in respect of services of certain Corporations and Companies.*—(1) A Corporation may consult the Public Service Commission—

(a) on all matters relating to the methods of recruitment of the officers and other employees of that Corporation;

(b) on the principles to be followed in making appointments by direct recruitment of the officers and other employees of that Corporation and on the suitability of candidates for such appointments.

(2) The Board of Directors of a Government Company may consult the Public Service Commission—

(a) on all matters relating to the methods of recruitment of the employees of that Government Company;

(b) on the principles to be followed in making appointments by direct recruitment of the employees of that Government Company and on the suitability of candidates for such appointments.

Explanation.—In this sub-section "employee" shall not include any director, managing agent, secretary and treasurer, manager or secretary of the Government Company.

(3) Where the Public Service Commission is consulted on any matter under sub-section (1) or sub-section (2), it shall be the duty of the Public Service Commission to advise the Corporation or the Board of Directors of the Government Company, as the case may be, on that matter.

(4) In the case of any difference of opinion between the Public Service Commission and the Corporation or the Board of Directors of the Government Company, as the case may be, on any matter, the Corporation or the Board of Directors shall refer the matter to the Government, and the decision of the Government thereon shall be final:

Provided that the Government, before taking a decision against the advice of the Public Service Commission, shall refer the matter to the Commission.

4. *Power to make rules.*—(1) The Government may, in consultation with the Public Service Commission, the Corporations and the Boards of Directors of the Government Companies, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed by the Corporation and the Boards of Directors of the Government Companies for consultation with the Public Service Commission;

(b) any matter which is incidental to, or necessary for, the purpose of consultation with the Public Service Commission.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before

the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. *Repeal and saving.*—(1) The Kerala Public Service Commission (Additional Functions as respects certain Corporations and Companies) Ordinance, 1970 (No. 4 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance as if this Ordinance had commenced on the 25th day of April, 1970.

V. VISWANATHAN,

GOVERNOR.

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GOVERNMENT OF KERALA
1970

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Vol. XV] Trivandrum, Thursday, 10th September 1970 / 19th Bhadra 1892 [No. 273

GOVERNMENT OF KERALA

Revenue (G) Department

NOTIFICATION

No. G.O.Rt. 972|70|RD. *Dated, Trivandrum,* 10*th September*, 1970.

Fifteenth and 16th September, 1970 will be public holidays for the Sub Registry Office, Kundara; the Office building having been selected for setting up a polling station in the forthcoming general elections on 17th September 1970.

By order of the Governor,
A. K. K. NAMBIAR,
Revenue Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

GOVERNMENT OF KERALA
1970

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Vol. XV] Trivandrum, Thursday, 10th September 1970 / 19th Bhadra 1892 [No. 274

GOVERNMENT OF KERALA

Home (SS) Department

NOTIFICATION

G.O. MS. No. 196/70/Home. *Dated, Trivandrum, 10th September 1970.*

Whereas the place specified in the schedule annexed hereto is being used for purposes of a public character;

And whereas information with respect thereto, or the destruction or obstruction thereof, or interference therewith would be useful to an enemy;

Now, therefore, in exercise of the powers conferred by sub-clause (d) of clause (8) of section 2 of the Official Secrets Act, 1923 (Central Act 19 of 1923), read with the Government of India, Ministry of Home Affairs Notification S.O. No. 1285 dated the 4th May, 1963, and in partial modification of the orders in the notification issued under G.O. MS. No. 329/69/Home dated the 8th October, 1969 published in Part I of the Kerala Gazette No. 41 dated the 21st October, 1969, the Government of Kerala hereby declare the said place to be a 'prohibited place' for the purposes of the said Act.

SCHEDULE

Name of the Installation	*Name of place*	*Locality/ village*	*Tana/ Police Station*	*Taluk*	*District*	*Boundary or other description of the area*
Cochin Refineries Ltd. Ambalamugal, Ernakulam	Chemmanad	Chemmanad village	Puthencruz	Kunnathunad	Ernakulam	Approximately 600 acres West: Eastern edge of Chitrapuzha river North: Southern edge of Irrigation channel East: Panchayat Road South: Existing P. W. D. Road

By order of the Governor,

K. MOHANACHANDRAN,

Deputy Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1970.

GOVERNMENT OF KERALA
1970

Reg. No. K. 107

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Vol. XV] Trivandrum, Thursday, 10th September 1970 / 19th Bhadra 1892 [No. 275

GOVERNMENT OF KERALA

Land Reforms (N) Department

NOTIFICATION

No. 32477|N2|70|LRD. *Dated, Trivandrum*, 10*th September* 1970.

S.R.O. No. 346|70.—In exercise of the powers conferred by section 129 of the Kerala Land Reforms Act, 1963 (1 of 1964), the Government of Kerala hereby make the following amendments to the Kerala Land Reforms (Tenancy) Rules, 1970, published as S.R.O. No. 3|70 in the Kerala Gazette Extraordinary No. 3 dated the 1st January, 1970, as subsequently amended, namely:—

AMENDMENTS

In the said rules,—

(a) in rule 68, sub-rule (3) shall be omitted;

(b) after rule 68, the following rule shall be inserted, namely:—

"**68A. Payment of interim annuity.**—(1) A religious, charitable or educational institution of a public nature which has applied to

the Government or the Land Board for the payment of annuity shall, on application made by it in that behalf and subject to the provisions of this rule, be paid by the Government interim annuity for the year 1970 and for every subsequent year until the annuity payable to it under the Act is paid.

(2) The application under sub-rule (1) shall be in Form No. 27A and may be sent by registered post, or presented in person, to the Secretary, Land Reforms Department, Government of Kerala.

(3) A separate application shall be made for each year after the commencement of that year.

(4) The interim annuity payable to an institution for an year shall be such amount, not exceeding forty per cent of the money value of the annual contract rent to which such institution is entitled from the holdings in respect of which it has applied for annuity, as may be determined by the Government.

Explanation.—For the purposes of this sub-rule, the money value of the annual contract rent to which an institution is entitled shall be deemed to be the value specified as such in the application under sub-rule (1).

(5) On receipt of an application under sub-rule (1), the Government shall, if they are satisfied that there are sufficient grounds to believe that the applicant is a religious, charitable or educational institution of a public nature and that the institution has applied for annuity, issue an order in Form No. 34A in favour of the institution.

(6) The provisions of sub-rules (5) and (6) of rule 68 shall, so far as may be, apply to an order issued under sub-rule (5) of this rule and to the disbursement of the interim annuity in pursuance of such order.

(7) The interim annuity paid to an institution under this rule shall be adjusted towards the annuity payable to that institution under the Act, in such manner as may be determined by the Government.

(8) Without prejudice to any other mode of recovery, any amount paid under this rule to an institution which is found to be not entitled to annuity under the Act, shall be recoverable from such institution in the same manner as if such amount were an arrear of public revenue due on land.";

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(c) after Form No. 27, the following form shall be inserted, namely:—

"FORM No. 27A

Application for interim annuity

(*See* rule 68A)

1. Name of the Institution:
2. Its location (Village, Taluk and District in which situate):
3. Address:
4. Nature of the Institution as religious, charitable or educational:
5. Is it religious, charitable or educational institutions of a public nature and if so, how?
6. Whether the application for annuity was to Government|Land Board?
7. Date on which the application was made and how? (whether by registered post or presented in person):
8. Money value of the total annual contract rent (as estimated by the applicant) to which the applicant is entitled for the holding or holdings in respect of which it has applied for annuity (the commutation rate for commodities, if any, to be at the rate published under sec. 43 for the quarter previous to the quarter in which this application is made.)
9. Name of the Treasury at which payment is required:

I|We certify and declare that the particulars given above are true and correct to the best of my|our knowledge and belief.

I|We agree that in case it is found that the institution is not entitled to any amount by way of annuity the interim annuity paid to the institution may be recovered by the Government from it as arrears of public revenue due on Land.

Applicants:

(1)

(2)

(3) (Signature)";

(d) after Form No. 34, the following form shall be inserted, namely:—

"FORM No. 34A

INTERIM ANNUITY PAYMENT ORDER No.

(*See* rule 68A)

Institution's Half|Treasury Half

Kerala Government.

Debitable to

Head of Account

Major Head

Minor Head

Voted

Charged|non-voted

Name and address of the Institution

Amount of interim annuity (in words)

(in figures)

Name of Treasury at which payable:

Trivandrum

Date **Secretary to Government.**

Office of the Accountant General

Dated the . . . .

Sir,

Please pay to . . . .

. . . .

the sum of rupees . . . . being the amount of interim annuity payable under rule 68A of the Kerala Land Reforms (Tenancy) Rule, 1970, upon the production of this order and a receipt according to the usual form.

Signature:

Designation:

To

The Treasury Officer,

. . . .

Payable at . . . . Treasury.".

EXPLANATORY NOTE

(This does not form part of the Notification but is intended to indicate the general purport).

Sub-rule (3) of rule 68 specifies that the annuity shall be payable for every financial year. But the Government having notified the 1st day of January, 1970, as the date under sub-section (1) of section 72, religious charitable or educational institutions of a public nature which have applied for annuity are under section 72N entitled to annuity from the 1st day of January, 1970. Hence by subsequent events sub-rule (3) has become inconsistent with the provisions of the Act. Therefore it requires to be omitted.

As section 72 is put into force from the 1st day of January, 1970, the tenants are not bound to pay any rent that accrues due thereafter to their landlords. Religious charitable or educational institutions of a public nature which have applied for annuity from Government are entitled to annuity instead of compensation for vesting under section 72 of their right, title and interest in respect of their tenanted lands. Annuity can be paid only after the amount is determined, which determination is likely to take some time. The institutions represented that having lost their rental income they, at present, experience difficulty in their daily administration. It was suggested that the Government may, as an ameliorative measure, make some interim payments towards annuity. The Government are pleased to accept the suggestion and make provisions for such interim payments to be adjusted towards annuity.

The amendments are intended to achieve the above object.

By order of the Governor,

N. KALEESWARAN,

Secretary to Government.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

GOVERNMENT OF KERALA
1969

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GOVERNMENT OF KERALA

Revenue (G) Department

NOTIFICATION

No. G. O. Rt. 973|70|RD. *Dated, Trivandrum, 10th September* 1970.

Fifteenth and 16th September, 1970 will be Public Holidays for the Sub Registry Office, Nellayi; the Office building having been selected for setting up a polling station in the forthcoming general elections on 17th September 1970.

By order of the Governor,

T. K. NARAYANI,

Deputy Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1970.

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1970

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GOVERNMENT OF KERALA

Education (P) Department

No. 72185/P2/70/Edn. *Dated, Trivandrum, 10th September, 1970.*

The following notification of the University of Calicut is published below for general information.

(Sd.)
V. Bhaskaran Nair,
10-9-1970
Joint Education Secretary to Government of Kerala.

NOTIFICATION

In exercise of the powers conferred upon him by section 50 of the Calicut University Act, 1968 (24 of 1968) as amended by the Calicut University (Amendment) Ordinance, 1970 (Ordinance 10 of 1970) the first set of all the authorities of the University nominated by the Chancellor shall continue for a further period of six months or till the constitution of those authorities in accordance with the provisions of the Calicut University Act whichever is earlier.

(Sd.)
CHANCELLOR,
University of Calicut.
10-9-1970

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